

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 03-cv-00074-bbc

PETER THORSON, MANAGED
INVESTMENTS INCORPORATED,
CONSTRUCTION MANAGEMENT, INC.,
and GERKE EXCAVATING, INC.,

Defendants.

**ORDER GRANTING JOINT MOTION FOR PARTIAL TERMINATION
OF THE CONSENT DECREE**

Upon consideration of the parties' Joint Motion for Partial Termination of the Consent Decree, the Court finds that on September 29, 2004, it approved the Consent Decree between the United States and Peter Thorson, Managed Investments Incorporated, and Construction Management, Inc. (the "Thorson Defendants"). Dkt. 158. The Consent Decree required, among other things, the Thorson Defendants to restore areas where the Thorson Defendants discharged dredge or fill material into waters of the United States at a site located in Tomah, Monroe County, Wisconsin. Dkt. 158, § V. Section V of the Consent Decree also required the Thorson Defendants to submit a proposed Restoration Work Plan to the Court and to the United States to remedy the violations of the Clean Water Act committed by the Thorson Defendants. Dkt., 158, ¶ 19.

On December 17, 2004, the Court approved a Final Restoration Work Plan which was incorporated into the Consent Decree. Dkt. 166. The Consent Decree further required the Thorson Defendants pay a civil penalty to the United States and the State of Wisconsin in the amount of \$105,000. Dkt. 158, ¶ 16. On June 14, 2006, an Addendum to the Consent Decree was approved by the Court. Dkt. 173.

Paragraph 54.A. of the Consent Decree provides that the "Defendants and the United States may at any time make a joint motion to the Court for termination of this Decree or any portion of it." The United States and the Thorson Defendants contend that, subject to the continuing requirements of Paragraph 18, the Thorson Defendants have satisfied the remaining requirements of the Consent Decree and the Addendum to Consent Decree.

Accordingly, upon the United States and the Thorson Defendants motion that the Court partially terminate the Consent Decree and the Addendum to the Consent Decree, the Court grants that motion, with the exception of the permanent injunction set forth in Paragraph 18, which permanently enjoins the Thorson Defendants against future unauthorized discharges of dredged or fill material.

IT IS SO ORDERED.

Entered this 15th day of September, 2014.

BY THE COURT:

Barbara B. Crabb
BARBARA B. CRABB
United States District Judge